

ZONING AND DEVELOPMENT CODE

EXECUTIVE SUMMARY

The following is a list of the major changes found in the Zoning and Development Code from Zoning Ordinance 808 and is not intended to be a complete recitation of all the new standards contained in the code. Below is a summary in the order in which they occur.

Section 1-201 Violations and Penalties. Establish the ability to levy civil sanctions or criminal misdemeanor complaint for violations of the Code.

Section 1-304 Hearing Officer. Currently the Hearing Officer must forward any cases that receive protest to the Board of Adjustment. The new code will allow the Hearing Officer to decide the case and any party can appeal the decision to the Board of Adjustment.

Section 1-306 Planning and Zoning Commission. The authority of the Planning and Zoning Commission is expanded. They would be able to take final action (unless appealed) on major use permits.

Section 1-308 Design Review Board. Increase the Design Review Board staff's authority to approve expansions for existing buildings up to 5,000 square feet.

Section 1-309 City Council. The Council would only decide use permits as an appeal process from the Redevelopment Review Commission and Planning and Zoning Commission.

Joint Review Committee. This Committee would serve as the Planning and Zoning Commission, Redevelopment Review Commission, Board of Adjustment and Design Review Board for any properties owned by the Arizona Board of Regents, which are rezoned and used for a mix of uses not exclusive to University use.

Section 2-102 Residential Districts. The code contains a new R-5 multi-family zoning district. This district is a higher density (maximum 30 dwelling units per acre) than we currently have available.

Section 2-103 Commercial Districts. The code consolidates the CCR, C-1 and C-2 zoning districts into one district and named it the Commercial Shopping & Services (CSS). This eliminates some duplication of zoning districts and provides a more level field for our smaller commercial parcels to compete on. The new district blends the standards and the allowed uses from the three existing districts.

Section 2-103 Mixed-Use Districts. There is also an additional Mixed Use District (MU) to fill the gap between the existing MU-2 and MG districts. The MG is renamed MU-4 and the new category is the MU-3.

Mixed-Use Educational District. This new district enables properties owned by the Arizona Board of Regents to be zoned and used for a mix of educational, commercial and residential uses.

Section 2-104 Industrial Districts. The code renames the Industrial Buffer District to the Light Industrial District to more accurately reflect its intent and uses. It also consolidates the I-1 Light Industrial District and the I-2 General Industrial District into the General Industrial District. These districts have the same uses but slightly different standards and the renamed district will use the current I-2 standards so we don't create any non-conforming situations. This will bring the land use classifications more inline with the General Plan. The I-3 District will be renamed to Heavy Industrial District.

Table 3-102 Animals. The code proposes small animals be allowed in residential districts. This would permit a resident to have animals such as chickens, rabbits and other similar small animals up to a maximum of five each. This would exclude roosters and peafowl (peacocks) specifically. The keeping of fowl would still need to follow the regulations identified in City Code.

Table 3-102 Home Occupations. The code contains changes to the standards for home occupations. The code will limit the amount of family involved with the home occupation and require a use permit to allow an outside employee, not residing on the premises. See Section 3-412 for details.

Table 3-102 Live-work. The concept of live-work is included in the code. This is allowed in some commercial and multi-family zoning districts with a use permit and in the CC and MU zoning districts by right. In either case, it would allow two (2) outside employees. More than two (2) would require a use permit. See Section 3-414 for details.

Table 3-102 Amateur Radio Antennas. There are revised standards for amateur radio antennas (ham radios) in the code. The proposal would allow them up to 35' in height but would require a use permit above that height and that they be retractable when not in use. See Section 3-422 for details.

Table 3-202A Permitted Uses in Commercial. The code allows most commercial zoning districts to add residential uses to their mix of uses. This would require a use permit and appropriate public hearings. This can encourage reinvestment in some of our aging centers and create a stronger economic base. This will also bring the land use classifications more inline with the General Plan. We have also reduced the requirement for some zoning districts requiring use permits for all types of uses, and identifying uses that are more appropriate to that commercial district.

Section 3-401 Accessory Buildings/Structures. Accessory Buildings (garages, workshops) are required to meet the setbacks of the district and a use permit is required in single family. Accessory Structures (tuff shed), max. 8 ft. in height and 120 s.f. in area, do not need to meet setback requirements.

Section 3-402 Accessory Dwelling Units. This section has been reserved for further discussion.

Section 3-411 Guest Quarters. This section has been reserved for further discussion.

Section 4-201 Development Standards. Many of our development standards (heights, setbacks, lot coverage etc) have been revised to reflect what has been approved over the past few years, as well as to provide some additional flexibility in using our limited land resources. These revisions include the concept of allowing a dual set of standards for most scenarios. There would be those rights that are automatically allowed and a second set allowed subject to a use permit. Refer to Tables 4-202A, 4-202B, 4-202C 4-203A, 4-203B and 4-204. This should increase the flexibility in how we use our land yet retain citizen involvement through the public hearing for the use permit.

Section 4-303 Transportation Improvements. The code now contains the standards for public street improvements as well as standards that require traffic calming under certain situations. It also contains requirements for compliance with the standards contained in the Americans with Disabilities Act.

Section 4-400 Building Design. The code contains requirements that qualifying projects must comply with the Public Safety Radio Amplification System to help provide our Fire and Police staff with the tools to safely complete their missions.

Section 4-404 Building Height Step-Back. Code now requires this step back in height for projects located adjacent to single-family dwellings as well as multi-family dwellings.

Section 4-500 Access and Circulation. Contains requirements for driveway locations, shade and lighting of pathways. It also establishes construction standards for pathways.

Section 4-603 Parking Maximums. The code contains parking maximums. The idea is to preclude excessive asphalt and heat islands when possible. It does not apply to multi-phased projects until the last phase is constructed and only for surface parking. Parking structures and below ground parking is exempt.

Table 4-603E Parking Ratios. The code revises some of the vehicle and bicycle parking requirements to reflect what has been approved and functioning over the past few years.

Section 4-604 Shared Parking. The code removes the requirement that shared parking requires a use permit. This constraint doesn't seem necessary given the track record for shared parking. Also, the standards for the parking model were adjusted as provided in Appendix F to reflect what has been approved and functioning in Tempe.

Section 4-700 Landscape. The new code keeps the same quality of landscaping currently found in Tempe but allow alternative methods of achieving the results. This increased flexibility should result in enhanced landscaping that provides more effective and functional shade and visual interest.

Section 4-800 Lighting. Crime Prevention Through Environmental Design (CPTED) standards have been incorporated into the code. Currently, CPTED standards are administered as a negotiation during processing. It is believed that by including them into the code, and the fact that CPTED is now administered by the Planning Staff, that these standards will be more readily understood and accepted. Other CPTED standards for building design and landscaping are incorporated in those respective sections.

Section 4-900 Signs. Several changes to the sign chapter of the code include:

- The code will allow centers to have freestanding multi-tenant signs by right.
- The code will allow centers to have additional free standing signs. The new standard would allow 1 sign for every 300' of property frontage for the center. This standard is consistent with what has been approved through variances.
- It also allows single use buildings on their own lot to have a freestanding sign
- Freestanding business/center identification signs would be allowed 24 square feet in area for sites that are less than 5 acres and allow up to four (4) tenant names per sign face.
- Freestanding business/center identification signs would be increased from 24 square feet to 40 square feet in area and up to ten (10) feet in height for sites that are 5 acres in size or greater and allow up to six (6) tenant names per sign face.
- Freeway identification signs: Allows businesses that are located within 300' of a freeway to have additional building mounted signs that are oriented to the freeway. This would allow these businesses to have 2 square feet of sign area for every 1 foot of building frontage facing the freeway in addition to their other signs. It would also allow a freestanding sign for centers that are adjacent to a freeway. These signs could be 35' in height and contain 120 square feet of sign area and must be located within 300' of the freeway right of way.
- The allowed height of building mounted signs will be the same as the building height itself.
- Portable signs are prohibited except for real estate lead in signs and boutique directional signs.
- Allow grand opening signs for 30 days with the possibility of extending the time for another 30 days if permanent signs aren't ready.
- Allow significant event signs no more than 14 cumulative days in a calendar year.
- Banner signs would be allowed for special events that are sanctioned by the special events committee.

- Allow apartment communities the same signs for initial lease up as a subdivision is allowed to have.
- Allow places of worship, theaters and museums to have freestanding marquee signs.

Section 5-401 Planned Area Development Zoning Overlay District. The new code contains a Planned Area Development Overlay District. This designation will allow a creative solution to infill parcels and will establish development standards that are unique to the project.

Section 6-304 Specific Plans. The Code reserves a place for Specific Plans. The code initially contained a proposal for the creation and processing of Specific Area Plans but at the request of the Neighborhood Advisory Commission (NAC) we have deleted that section from the code. The NAC is working on creating a separate process for the establishment of such documents and will present it at a later time.

Section 6-402 Neighborhood Meetings. The new code establishes the standard that any project that requires a public hearing and is located within 300' of a residence or residential zoning district will need to conduct a neighborhood meeting prior to the public hearing. The applicant will be required to post and reasonably maintain the signs for the meeting. Sign size will be either 6 or 16 square feet in area depending on the type of request. See Section 6-402 E. for specific details. The applicant will need to provide a written report on the neighborhood meeting to the staff in time for it to be included in the public hearing report.

Section 6-404 Notice for Public Hearings. The Code will require that public hearing signs be no smaller than 16 square feet in area and be reasonably maintained by the applicant.

Appendix. Included in the code is a series of appendixes that include design guidelines, plant lists, art in private development, shared parking procedures, the fee schedule and a reserved section for future zoning administrator opinions.

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